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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Twelfth session

SUMMARY RECORD OF THE 14th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 9 May 1995, at 3.00 p.m.

Chairperson: Mr. ALSTON

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The meeting was called to order at 3.15 p.m.

ORGANIZATION OF WORK (agenda item 4) (continued)

1. The CHAIRPERSON announced that the Committee's thirteenth session would be held from 20 November to 8 December 1995. The pre-sessional working group would meet from 11 to 15 December 1995, and the Committee needed to reflect on the composition of the group.

2. At a meeting of persons chairing the human rights treaty bodies, held in September 1994, it had been proposed that the treaty bodies should seek to develop a more effective role in warning of impending disasters in the area of human rights and in drawing the Secretary-General's attention to situations that appeared to constitute early warning of human rights violations. The Secretary-General had agreed to meet the group to discuss the ideal role of treaty bodies in relation to anticipated major problem situations and other matters.

3. Most of his colleagues felt that the treaty bodies had an important role to play, but he believed there should be some limitations on their role. He further suggested that, time permitting, it would be useful for the Committee to discuss that matter before the meeting with the Secretary-General.

CONSIDERATION OF REPORTS (agenda item 6) (continued)

(a) REPORTS SUBMITTED BY PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT

Philippines (continued) (E/1986/3/Add.17; E/C.12/1994/WP.21)

4. At the invitation of the Chairperson, Ms. Bautista, Mrs. Palala, Ms. Mallare, Mr. Soliman, Dr. Millan, Mr. Balao, Ms. Lacanlalay and Mrs. Paulino (Philippines) resumed their places at the Committee table.

5. The CHAIRPERSON invited the delegation of the Philippines to respond to the outstanding issues raised in either the list of issues (E/C.12/1994/WP.21) relating to articles 10 to 12 of the Covenant, or in the follow-up oral questions posed the previous day.

6. Ms. Bautista (Philippines) said her delegation had listened with great interest to Mr. Ahmed's comments on the previous day. Her Government shared those concerns and had addressed the problems raised. She hoped he was not implying that her Government had been apathetic to the plight of overseas workers.

7. She was disturbed by the suggestion that the Philippine Government was openly pursuing a policy of exporting people for employment, that domestic work was dishonourable and that those activities were being pursued for economic gain.

8. She wished to dispel those misconceptions by emphasizing that her Government had given priority to economic and social progress based on poverty alleviation to discourage its citizens from leaving the country. At the same

time, her Government had put in place national mechanisms to regulate departures for overseas employment and had undertaken bilateral and regional measures to protect the rights of Philippine nationals abroad. The illegal status of Philippine migrants was conferred on them because of the restrictive policies of States which received them. In addressing Mr. Ahmed's remark implying that those migrants must have received documents through Philippine government channels, she said the "illegal" migrants were granted tourist visas by the receiving Governments then overstayed in receiving countries. The problem was principally an economic one.

9. Social and economic policies to discourage workers from going abroad were proving effective and were starting to be universally recognized. The Philippines had embarked on a process of economic progress to improve social conditions without defaulting on international obligations. Migration for development was not new. Many prosperous nations grew because of migratory movements and, in fact, host countries were countries whose nationals had worked abroad scarcely a century earlier. Their nationals had also suffered abuses. The Philippines had stated, in other international forums, that migrant workers were more than a commodity to be traded in the international market place. They had the same dignity and rights as anybody else, and made vital contributions to the economy and societies of the countries in which they lived and worked. It was therefore in that context that the Philippines held those workers in high esteem, not because they brought money to the country. It should be recognized that growing international economic integration involved not only the movement of goods and services but also the movement of people.

10. The Government of the Philippines viewed domestic employment as an honourable occupation. Domestic workers were not criminals as there was a need for their services. In most cases, they were appreciated and cared for but it was true that in some areas, domestic workers, mainly women, were exposed to abuse. The Government had controlled and banned departure to those areas. Where abuses occurred, the Government had made every effort to protect the abused workers. International cooperation at all levels, including the collaboration of non-governmental organizations (NGOs), was vital in solving the problem.

11. Turning to the question of evictions, she said the law allowed eviction in cases where there was a danger, in areas with undeveloped infrastructure, to the lives of the settlers and to the community as a whole. The problem had to be viewed in the context of the country's level of development. She did not believe the Covenant prohibited evictions. Proposals to repeal Presidential Decree No. 772 were being discussed in Congress and those proposals would be guided by the Covenant and the Government's obligations as a signatory of the Covenant.

12. Mr. ADEKOUYE noted that the Government of the Philippines had made a tremendous effort to tackle the problem of housing. He referred to paragraphs 365 and 366 of the report (E/1986/3/Add.17) which indicated that the Government was aware of cases of illegal evictions. While it was clear that the Government did not condone illegal evictions, such action might have been aided and abetted by government agencies without government authorization. He further suggested that the representative of the

Philippines might not have been aware of those events of cases of imprisonment or violation. According to information he had received, between July 1992, when President Ramos assumed power, and the end of 1994, 15,283 families had been evicted. Of that number, 9,244 families had been illegally evicted, in violation of the Urban Development and Housing Act of 1992. Moreover, the families had been relocated to areas where there were no viable employment opportunities. He would therefore like to know what the Government intended to put in place to enable squatters to find opportunities in new centres.

13. Ms. TAYA said that squatters were obliged to live on land belonging to other people because they had no alternative. Presidential Decree No. 772 criminalized the existence of squatters without addressing the real problem that forced poor people to become squatters.

14. With regard to housing, she asked the delegation to comment on the allegation that 80 per cent of government funds for housing went to the 50 per cent of the population in the upper-income bracket. She wondered whether the Government intended to adopt measures to implement the policy that earmarked 60 per cent of government funds for social housing for the benefit of low-income groups.

15. Mr. SIMMA, reverting to the legal aspect of evictions, particularly Presidential Decrees 772 and 1818, recalled that the delegation had stated that the Government considered Presidential Decree No. 772 to be effective in preventing anarchy. It had mentioned that the repeal of Presidential Decree No. 772 was under consideration, but his comment was based on the assumption that Presidential Decree No. 772 was still in existence. He wondered what kind of anarchy the Government wanted to dispel in view of the fact that the number of people affected by the Decree was increasing each year. Presidential Decree No. 1818, on the other hand, prevented the courts from issuing injunctions against government infrastructure projects. There was virtually an international rule that in the case of government infrastructure projects, people should be entitled to the same recourse as they had against private landowners. The fact that the Decree had been enacted by President Marcos explained some of its raison d'être. The Urban Development and Housing Act of 1992 contained a clause providing for injunctions against government infrastructure projects but that did not mean that the Government was relieved of the due process provided for in the Act. Presidential Decree No. 1818 dispensed with most of the procedural safeguards established by the Act of 1992. He asked what the purpose of Presidential Decree No. 772 was and how it could prevent anarchy. He wondered whether Presidential Decree No. 1818 could be justified in the light of the 1992 Act.

16. Turning to the subject of relocation, he observed that 200,000 families had been scheduled for relocation while the budget provided for the relocation of only 150,000 families. It was apparent that the Government could not provide the number of lots necessary to accommodate the people who were being relocated. Furthermore, relocation sites were so far from cities that neither basic services nor adequate employment opportunities were available. The problem related to land reform, which had been discussed earlier when the

delegation explained that sites closer to cities were too expensive for the Government to acquire. That situation was obviously the product of land speculation and he wondered what the Government planned to do to circumvent the problem.

17. Mr. TEXIER noted with satisfaction the debate on the abrogation of Presidential Decree No. 772. It was totally unacceptable to regard it as a crime the fact that people occupied land because they had no alternative. Likewise, relocating families far away from services and sources of income was not ideal. He stressed that the definition of dangerous areas should be established as restrictively and as carefully as possible. While it was justifiable to carry out evictions for the public good, there was a need to define where work was being carried out and every effort should be made to avoid populated areas. It was also important to draw the delegation's attention to the overall definition of policy. The large number of squatters and cases of eviction were due to the fact that people could not find housing. Rather than evicting people, efforts should be made to enter into negotiations to provide the necessary infrastructure, to grant ownership where possible and to consult with the people living in those areas. The dignity of squatters should also be respected. The Government should endeavour to regularize the status of the people in question where possible. There were obviously implications on the economy of the Philippines which, as a developing country, had to choose between the development of a social policy and a speculative policy which was always to the detriment of the poorest sectors of society. A thorough consideration of the issues had to be made in order to arrive at an overall policy on housing for the poor.

18. Mr. AHMED said while housing, agrarian reform and the other topics discussed earlier by the Committee and the delegation were important to the development of Philippine society, he thought the fundamental issue was whether the Government of the Philippines recognized the Covenant. If the Supreme Court of Justice of the Philippines refused to regard the Covenant as imperative and applicable there was little use in discussing the problems raised in the list of issues.

19. He referred to a report of the United Nations Commission on Human Rights (E/CN.4/Sub.2/1994/20), submitted to the Economic and Social Council on 21 June 1994. The report stated that a Supreme Court of the Philippines ruling seriously undermined the right to housing since the Philippine Commission on Human Rights could no longer examine the justification for demolition, but only procedural violations in the course of demolition. However, the Commission on Human Rights had decided that since the Philippines was a signatory to the International Covenant on Economic, Social and Cultural Rights, the Philippine Commission on Human Rights could monitor demolitions and if they were found to be illegal, could stop the violations by calling on the agency concerned to conform to the law. If those efforts failed, the Commission could apply to the appropriate court to issue a restraining order.

20. The same report also quoted the comments of a dissenting judge of the Supreme Court who said the Supreme Court ruling promoted prima facie violations of human rights. The Committee needed to decide whether the Supreme Court of the Philippines disregarded and flouted the provisions of the Covenant.

21. Mr. GRISSA said that in calling for the repeal of Presidential Decree No. 772 the Committee was flogging a dead horse. Whether it was repealed or not, the growth of the population meant that the housing problem would remain very grave. It had been estimated that 4 million people, including 1.3 million children, were inadequately housed. What was required was a massive programme of action to deal with the effects of increased migration from the countryside to urban areas, the rising cost of construction and the high price of land, which prevented poor people from taking action on their own behalf. He did not know the solution to the problem, but the repeal of Presidential Decree No. 772 would not be particularly helpful.

22. Ms. BAUTISTA (Philippines) said, with regard to Mr. Adekuoye's question about relocation, that she had been a member of the board of directors of the National Housing Authority. Before undertaking relocation the Authority coordinated with other agencies to discuss the relocation of industries to coincide with the resettlement of squatters, although since the timing could not always be exact there might be some hardship initially. One example of the successful implementation of that policy was the Dasmariñas resettlement site. Commuter trains had been provided and the area had become an industrial site to which people moved of their own accord.

23. With regard to the suggestion that the housing budget was too low and that not enough relocation sites were provided, she said that squatters were not evicted if they had nowhere to go. They should realize that they were being moved for their own benefit; the conditions of squatters' housing were very poor, giving rise to various health problems.

24. With regard to the point raised by Mr. Ahmed, she said that she had entered a reservation to the report he had cited. It was wrong to say that the Commission on Human Rights had no role to play in helping squatters. The position of the courts in the Philippines was, however, that any action should go through the normal judicial process. Her country did recognize the Covenant - it was bound to recognize any instrument ratified by two thirds of the Senate - but nothing said by the court had implied non-recognition. The Covenant had the status of law, although how it was applied was a matter of interpretation. The Department of Justice had been asked to look into her country's exact position on the matter.

25. On Presidential Decree No. 772, she said that some Congressmen and Senators felt that it should be repealed, but it was up to them to do so. Meanwhile it remained in force, although she noted that the circumstances of those prosecuted under the Decree were taken into account. In that connection she said that she had been mistaken in saying that there had been no convictions under Republic Act No. 7279.

26. Recognizing the need for more funding for housing, the Government had recently passed a law providing for a further P 36 billion, giving housing a higher priority. There would, however, have to be some profile study of squatters, some of whom owned land in the provinces. Such land should be made more productive and squatters should be encouraged to work it. Another important measure was to set up a regional dispersal plan for industries, giving them incentives to relocate further out of Metro Manila.

27. Mr. SOLIMAN (Philippines) said that he would like to see evidence for the assertion that 9,000 families had been evicted, in violation of Republic Act No. 7279. Such evidence should be evaluated and verified. He pointed out, however, that his country had conceded in its report that some violations of the Act had taken place between March 1992 and late 1994. The reason was that the Act had come into force barely two months before an election, so the implementation of it had been prejudiced by the transition of leadership at both local and national level. Some authorities had not been aware of the provisions of the Act. Since then, in cooperation with the Department of the Interior, local government and non-governmental organizations, which had been extremely vocal on the inadequacy of local government, an intensive campaign had been started to alert local government to the Act's requirements regarding demolition and eviction. The incidence of violations should thereby be reduced.

28. With regard to the allegation that 80 per cent of government housing funds went to the higher income groups, he said that the reference must be to the Unified Home Lending Programme, which was run by social insurance institutions, whose members were private and government employees. One benefit of their membership was access to housing, paid for by monthly contributions matched by the employer. Members of such institutions could not be denied their right to apply for housing loans. A scheme was, however, in operation to ensure that at least 45 per cent of the funds generated from such institutions should be used to provide loans and incentives for lower-income families to buy houses.

29. As for squatters' rights, Republic Act No. 7279 protected only those who were in place before 28 March 1992. Even so, although such people could not be moved unless a relocation site with basic services such as water and electricity was available, the Act did not say that they could not be moved. Similarly, the consultation process provided for did not imply acceptance of what had been offered. Those living on land required by the Government for infrastructure purposes, those living in risk areas and those subject to court orders for eviction were not covered by the moratorium on demolitions. He stressed that the illegal occupancy of land after the cut-off date was still a criminal offence.

30. It was regrettable that funds for resettlement were still limited, despite the passage in late 1994 of the Comprehensive and Integrated Shelter Finance Act, which was supposed to provide the funding required by the provisions of the Urban Development and Housing Act. The Government's retention of Presidential Decree No. 772 was due partly to the need to prevent any increase in illegal occupancy. Anything that might seem to condone such occupancy would eventually prejudice the intended future beneficiaries of the Urban Development and Housing Act. The policy on those funds that were available was to stretch them as far as possible, using them as equity to encourage other bodies, especially local government, to defray part of the costs. Whereas local government had used to look to central Government to provide resettlement sites, it was currently required to contribute land and some funding, which would then be matched by the Government. That meant that the P 5 billion allocated could be stretched to twice that amount.

31. With regard to the idea of giving the urban poor the opportunity to legitimize their occupancy of land, he said that a programme was in operation - receiving half the funds available under the Comprehensive and Integrated Shelter Finance Act - whereby communities were enabled to purchase the land they illegally occupied, thus obtaining security of tenure. The disadvantage was that the consent of the landowner was required and a price had to be agreed.

32. His country was aware of the difficulties associated with relocation and conceded that much remained to be done. Apart from the Community Mortgage Programme, which was a viable alternative to relocation, efforts were concentrated on families which it was essential to move, such as those living on rights of way; they presented a danger to themselves and to the community. He added that some resettlement sites were victims of their own success: the seven relocation centres around Metro Manila had become growth centres in their own right, with illegal occupancy taking place. That proved that the sites had become acceptable, but it nevertheless took time for development to catch up, so some difficulties were created. Programmes were currently being developed to enable communities to form transport cooperatives to ease their travel problems.

33. Mr. GRISSA noted that in the 1994 budget 0.46 per cent was allocated to housing, while defence received 9.15 per cent, more than was allocated to health, agriculture and housing put together. It was strange that the priorities seemed to be biased against housing, which favoured the welfare of the population. Nor could it be claimed that the necessary resources did not exist.

34. Mr. TEXIER said that relocation that respected human dignity required more than four walls and a roof. It should be undertaken only if safety, clean water, electricity and proximity to work, schools and health centres could be assured.

35. Mr. SIMMA considered that insufficient justification had been given for the cut-off date contained in Republic Act No. 7279. He wondered what the position was with regard to the urban poor who built their shanties after 28 March 1992. Under both the Covenant and the Constitution of the Philippines, preventing them doing so was a violation of their human rights.

36. Ms. TAYA asked whether social problems could be ameliorated if foreign aid was given on condition that social adjustment programmes were monitored and could be withheld if the Philippines failed to comply with the conditions. Such programmes were different from the structural adjustment programmes of the International Monetary Fund and the World Bank; they could include such schemes as the Community Mortgage Programme, the abolition of Presidential Decree No. 772, legislation to close loopholes in the Comprehensive Agrarian Reform Law or introducing progressive taxation systems predicated on ownership of land.

37. Ms. BAUTISTA (Philippines) said, in reply to Mr. Texier, that relocation did indeed take place near industries, schools and clinics; there might be initial problems, but amenities would eventually be provided. As for the budget, Mr. Grissa might be unaware of the defence problem in the south of the

country, where a military presence was required. Moreover, the low proportion of the budget allocated to housing was misleading: that allocation was used to create links with financial institutions that would then make loans at reasonable rates and provide guarantee funds enabling individuals to obtain funds for building. A problem was that there were not enough builders prepared to build houses costing P 150,000 or less, because the profits engendered were too low. The Government was trying to provide incentives in the form of concessional interest rates, using foreign aid, where possible. In that context, she noted that foreign aid normally contained stipulations on what programmes were funded; if the donor did not approve, those funds might not be available the following year. So far, however, donors had not complained at her country's use of the funds; when expenditure policy had been changed, donors had accepted explanations on the matter. Of the $129.7 million received in foreign aid, 30 per cent went on social development.

38. Mr. SOLIMAN (Philippines) said that the law passed in December 1994 providing P 34 billion for housing over the next five years, on an automatic appropriation basis, would increase funding substantially. It represented a dramatic change in the allocation of funds for housing.

39. Ms. BAUTISTA (Philippines) said that the Government was very lenient with squatters who had occupied land after the cut-off date. Landowners themselves sometimes relented, and most municipal authorities condoned the practice by allowing their constituents to settle and later make direct arrangements with the owners to purchase the land.

40. The CHAIRPERSON invited the Committee to raise questions relating to article 12 of the Covenant.

41. Mr. TEXIER said that not enough information had been given in the report on the right to health. According to non-governmental organization sources, the state of health in the Philippines was bad: the infant mortality rate, for instance, stood at 24.3 per 1,000, there was widespread malnutrition among the young and preventable childhood diseases were endemic, medical care - especially publicly-funded medical care - was inadequate, and there was a great disparity between urban and rural facilities. In Central Mindanao, apparently, there was only one doctor for 200,000 persons - a frightening situation; for the country as a whole, apparently, there was one nurse for 4,000 people and one doctor for 8,500 people. He asked exactly what percentage of the budget was allocated for health. The World Health Organization (WHO) recommended 5 per cent, but non-governmental organization sources indicated that in the Philippines it was only 1 to 2 per cent. In general, he wondered why the social budget - covering housing, health and education - was given such an uneven share of the total as compared to less basic budgets. The delegation should explain what was being done to rectify the situation, especially since the report indicated that the salaries of public health professionals were too low.

42. Ms. BAUTISTA (Philippines) said that specific health-care figures were being circulated to members of the Committee in the delegation's written replies to the list of issues, where it would be seen that the 1995 health budget was 5.16 per cent of the total, well above the WHO figure.

43. Mr. GRISSA observed that none the less in a country with a young and a growing population, 5 per cent for health in 1995, and only 2.6 and 3.6 per cent in 1993 and 1994 respectively, were low percentages. Education received only 7 per cent. He realized that debt servicing took up more than 30 per cent of the total budget, but still believed that the social budget was being slighted. It was for the Government to set its priorities.

44. Ms. BAUTISTA (Philippines) said that the correct figure for the education budget was 17 per cent, which was the reason why the Philippines had a 93 per cent literacy rate, one of the highest in the region. Furthermore, it must be taken into account that health care in the Philippines was generously financed by Overseas Development Assistance (ODA) as well as from the national budget.

45. Mr. THAPALIA, noting that Catholics and Muslims together constituted 90 per cent of Filipinos, and recalling the opposition to birth control and abortion by the Holy See and some Muslim countries at the Cairo Conference on Population and Development, wondered whether the Government could be successful in containing population growth, and what practical steps it had taken to do so. He also would like to know how much the Government allocated for the health of indigenous and tribal peoples. In developing countries like the Philippines and Nepal, public funds for the poor and the landless were often diverted and he would appreciate information on whether the Government had any effective mechanisms in place for detecting misuse of funds or misapplication of legislation.

46. Mrs. JIMENEZ BUTRAGUEÑO, agreeing that it was important in a Catholic country to control population growth, said that more information was also needed on the Government's policy with regard to AIDS.

47. Mr. TEXIER said that he still had some doubts about the official health budget figures in the light of information received from non-governmental organizations. The Philippine Alliance of Human Rights Advocates, for instance, stated that the proposed 1995 allocation of 8.5 billion pesos for health was only 2 per cent of the national budget; and perhaps more interestingly, a joint report by the Philippine Department of Health and the United States Agency for International Development (USAID) said that 55 per cent of total health funding came from individual family contributions. Furthermore, according to Medical Action Group, many Government health programmes, such as Medicare, had been privatized to a large degree. Regardless of the figures, it was not clear why the Government would want to privatize health care rather than assuming greater responsibility for the poorest in the country.

48. Ms. BAUTISTA (Philippines) said that the 1995 health budget actually constituted a 21-per-cent increase over the 1993 budget. The written replies to issues Nos. 38 to 41 of the list of issues, just circulated to the members of the Committee, would clarify the discrepancies in figures. Because of the recent devolution of health care to the regions, the Department of Health budget had been cut back, but had to be considered in conjunction with the local government budgets to arrive at the total figure.

49. The Government's move to privatization had been prompted by lack of funds, but basic health care would still be ensured. The private sector had been willing to assume a good part of the responsibility for funding health care and the Government had concurred, but would reclaim its responsibilities if the level of health care proved not to be adequate.

50. Details of the family planning programme would be found in the written answers relating to issue No. 2 of the list of issues. The programme had been submitted to the United Nations Development Programme (UNDP), which had awarded it approximately $30 million in ODA over five years. There had, indeed, been a confrontation between the Catholic Church and the Government over the family planning programme. It was, however, a purely voluntary programme that the Government was not forcing on anyone and Catholics could, and often did, abstain from using it. The Government was none the less going to make it as widely available as possible. It should be noted that the Secretary of Health was running for elective office in the current elections, and if he placed within the first 12 candidates, it would be an indicator of the success of the family planning programme and would mean that the Government had won on that issue.

51. Mr. SIMMA asked whether the delegation was convinced that the privatization of health care, which sounded harmless enough, had not diminished the access to health care of the most vulnerable groups in the country.

52. Ms. BAUTISTA (Philippines) said that, for the moment, privatization was only in the planning stages, so that its effects could not yet be gauged. If the private sector did not provide health care that met Government conditions, the Government would itself provide those services. In any case, she did not believe that it would be feasible to privatize medical care in far-flung areas of the country. The Government would certainly always remain involved in health care, which was too basic to be left entirely to the private sector.

53. The CHAIRPERSON, speaking in his personal capacity, asked whether the Government had actually set such conditions in relation to any bids by the private sector, and whether any studies had been done to ensure that the process would proceed in a way that protected the access to health care of the poor.

54. Dr. MILLAN (Philippines) said that the Department of Health was indeed encouraging the participation of the private sector in the delivery - and possibly also the management - of health services. In addition, talks were being held on the possible privatization of tertiary medical centres such as specialty hospitals.

55. Mr. RATTRAY, recalling that any medical system that was inherently discriminatory as to quality violated article 12 of the Covenant, asked the delegation whether it could assure the Committee that, in the programmes being devised, every Filipino, regardless of income level, would be guaranteed access to quality health service, whether it was publicly or privately provided.

56. Mr. ADEKOUYE said that it was common in developing countries for the middle-aged middle class - the backbone of the labour force - to be prone to cardiovascular disease and cancer; and the mortality rates for diseases of the heart and vascular system given in the report (para. 691, table) seemed to bear that out as far as the Philippines was concerned. Was the Government doing anything to enlighten the urban class as to the dangers involved and ways of avoiding them?

57. Mr. STAHLHOFER (World Health Organization) said that WHO welcomed the efforts being made by the Philippines to combat the AIDS epidemic. The report of the Philippines, however, gave little information on how effective the Government's AIDS-awareness campaign actually was, and issues Nos. 40 and 41 had not been adequately addressed. The widespread discrimination in the country against persons with HIV and AIDS was an obstacle to the campaign, and legislation was lacking in that respect. He would appreciate clarification on the status of House Bill No. 6947, for which WHO had provided extensive comments and recommendations, and on whether there had been any revision of the pending bill since 1994; as well as on the status of the national AIDS strategy that was to have been implemented in December 1994.

58. Ms. BAUTISTA (Philippines) said that the access of the poorest members of the population to health care was provided for in paragraph 10 of the National Health Insurance Act. Section 11 of the Constitution also guaranteed that specific right.

59. Dr. MILLAN (Philippines) said that, like other developing countries, the Philippines was experiencing a rise in cardiovascular degenerative diseases. The Department of Health was well aware of the problem, and several years ago had launched a national cardiovascular disease prevention and control programme, a community-based programme to identify cases, publicize the problem and advocate changes in lifestyle. On the clinical side, health facilities in the country offered all the specialized care needed. The cardiovascular programme was managed directly by the Office for Public Health Services, because it was recognized that a major health problem was involved.

60. On the question of AIDS, House Bill No. 6947 referred to by the representative of the World Health Organization was still pending in the House of Representatives, whose Committee on Health had been working with Department of Health officials to bring the Bill also to the Senate and eventually ensure its adoption.

61. Regarding universal access to health care, the National Health Insurance Act had just been adopted, and under it a National Insurance Commission was being set up to work on implementing rules and guidelines that would ensure access.

62. Section 11 of the Constitution contained provisions to the effect that the State should adopt an integrated and comprehensive approach to health development which would endeavour to make essential goods, health and other social services available to all people at affordable cost, that priority should be given to the needs of the underprivileged, sick, elderly, disabled, women and children, and that the State should also endeavour to provide free medical care to paupers. Those provisions were now being implemented in

various programmes by the Department of Health such as, a community based rehabilitation programme and a programme for the diagnosis and identification of disabilities at an early stage to try to prevent costly institutional care later on. Also, in the areas known as the 19 priority provinces, specific funds had been allocated in the form of project grants to enable health problems to be tackled, particularly in respect of women and children. A 10-year investment programme had also been drawn up encompassing safe motherhood, safe water and health environment, national health insurance and the control of specific communicable diseases, immunization and nutrition. Those programme packages were intended to address the needs identified in the Constitution.

63. Mr. GRISSA said that none of the reports or replies had adequately addressed the extent of the problem of AIDS. Instead, there seemed to be an attempt to under-estimate the problem. The Committee had been told that there were 120,000 homeless street children in Manila while NGOs and other reports put the figure at 1.2 million. It was precisely that segment of the population that was most vulnerable to communicable diseases, including AIDS. The new information provided by the delegation showed, under cumulative totals for the 11 years 1984-1995, 536 HIV cases, and 153 AIDS cases, yet the Philippines was considered to be one of the most seriously affected countries in Asia, the number of whose HIV/AIDS cases, according to World Health estimates, was between 5,000 and 30,000.

64. The same new information put the numbers of sexually exploited children at 720 in 1993, and 1,586 in 1994. In view of the fact that the population of Metro Manila alone stood at 8 to 10 million, with vast numbers of street children, those figures had without doubt been seriously under-estimated.

65. Mr. TEXIER said that while he did not dispute the fact that one of the causes for the reduction in social expenditures was the structural adjustment programme imposed on the Philippines by the World Bank, he was concerned that the devaluation of national budgets to local governments had involved reductions each year. That situation was reflected in the case of the region of Isabela whose budget had been reduced by P 19 million in 1993 alone, despite the Government's stated desire to bring health services to the remotest populations.

66. Devolution from national to local budgets also appeared to involve subcontracting to private agencies. Such agencies always obeyed market forces and their services had to be paid for. The end result would undoubtedly be that health care would become less accessible, because of its increasing cost, to the poorest elements of the population.

67. Ms. MALLARE (Philippines) said that the number of street children in Metro Manila had been estimated at some 220,000, and at some 1.2 million for the entire country. Seventy-five per cent of all street children were thought to have families, 20 to 25 per cent had some contact with their families and only 5 per cent were considered to be abandoned. The NGOs and Philippine institutions nationwide worked with street children, providing such basic facilities as medical and psychiatric services.

68. Dr. MILLAN (Philippines) added that from the time HIV/AIDS testing had started in 1984, until July of that same year, the total number of HIV positive cases had been 536, with 154 symptomatic cases and 88 deaths from symptomatic cases. The Department of Health was aware of the increasing trend in the number of reported cases because surveillance and diagnostic facilities had been improved. When screening for HIV/AIDS had first started, only the high risk areas had been covered; screening now covered almost all the major cities and a considerable increase in the number of registered HIV positive and symptomatic AIDS cases was therefore expected.

69. The CHAIRPERSON pointed out that the delegation's replies had not addressed Mr. Grissa's query on the accuracy of the statistics for sexually abused children. In its reference to street children, the delegation had given rather different percentages from those provided the previous day but had not given any statistical or written information on either of the two sets of figures. Mr. Grissa had queried the low number of abused children and the discrepancy between the 500 registered cases of AIDS and the WHO estimate of 30,000 cases. If the Government expected an increase in the number of registered AIDS cases, was it expecting an increase of 6,000 per cent, which those figures implied, or was there a problem in terms of failure to register, or were WHO estimates completely inaccurate?

70. Dr. MILLAN (Philippines) said that since registration was not mandatory, only 536 positive cases had been recorded, but the Department of Health believed that there must be over 10,000 positive cases which it had no means of identifying. The Government was therefore well aware of the problem and was aware that those figures represented the tip of the iceberg, hence its vigorous AIDS awareness campaigns to persuade people to come forward for testing.

71. The CHAIRPERSON said that another question concerned the Government's efforts to combat discrimination. The written replies submitted simply stated that the health agencies and staff set an example to the public in so far as discrimination was concerned, but did not state what, if anything, was being done to combat discrimination, which was known to exist in many countries.

72. Mr. GRISSA said that he much appreciated the admission by the Philippine delegation that the figures represented the tip of the iceberg, but he would have liked to see that clarification in the report. The lengthy exchange of questions and answers would thus have been avoided.

73. Mr. STAHLHOFER (World Health Organization) confirmed that estimates should not be confused with reported cases of HIV/AIDS. In many countries, including the Philippines, it was very difficult to get accurate reports of the number of cases. However, the surveillance system in the Philippines was improving and would give a better indication of actual numbers in future years. Estimates were based on a very complex system and were normally conservative. WHO's upper-level estimate of 30,000 cases showed that the problem was indeed a pressing one and the Government should maintain its efforts to combat it.

74. With regard to AIDS-related discrimination, however, the Philippines still had a policy of entry restrictions, especially for refugees and persons seeking permanent residence. According to WHO sources, those groups had to produce HIV clearance certificates before entry into the country was allowed. It had also stated that the Philippine Ministry of Health was opposed to such measures. It would therefore be useful to have some clarification of the status of that particular legislation and of the problem of the mandatory testing of female commercial sex workers on a six month basis.

75. Ms. BAUTISTA (Philippines) said that she realized that the figures might have been explained more clearly in the report. So far there had been no complaints of discrimination against AIDS sufferers because they had not identified themselves. However, the Department of Health had started to try to persuade sufferers to admit to having the disease and of society's readiness to accept them.

76. An HIV clearance certificate had been required by the Bureau of Immigration, probably rather as a matter of policy, rather than as part of any formal legislation. In view of the Government's recent decision to sponsor a human rights resolution to do away with such requirements, the restrictions applied by the immigration authority ought undoubtedly to be removed.

77. Ms. TAYA, referring to article 12 of the Covenant in relation to eviction and demolition which affected the health conditions of squatters, asked whether any Government agency monitored illegal demolitions and where people could turn to in the event of their right to housing being violated. She also wished to know whether the Government of the Philippines had an upgrading programme to improve the living and health conditions in such areas.

78. Ms. BAUTISTA (Philippines) replied that the Presidential Commission on the Urban Poor monitored all government demolition work and was supposed to report any violence. The Department of Health assured the necessary health facilities on the site.

79. With regard to the slum upgrading programme, a World Bank loan agreement had been concluded relating to the Tondo foreshore, and some funding had been obtained for health facilities in that area. Wherever programmes existed for specific sites, health facilities were also upgraded.

80. The CHAIRPERSON said that the Committee had now concluded its consideration of the report of the Philippines (E/1986/3/Add.17). He thanked the delegation for its presence in the Committee. The next stage in the Committee's consideration would be the adoption of its concluding observations in closed session. Those observations would be made public on the final day of the Committee's session, 19 May 1995.

81. Ms. BAUTISTA (Philippines) thanked the Committee for its patience in dealing with her Government's report and replies. All the Committee's queries had been sent to Manila earlier and diskettes had been received the previous day. However, due to technical and other problems, there had been delays in providing the necessary information, and the delegation had had to try to piece the information together itself. The delegation apologized for the delay and hoped that the Committee would bear in mind that it had done its

best and would also take into account the fact the Philippines was a developing country endeavouring to fulfil its obligations under the Covenant. The delegation had endeavoured to show in its report and replies that mechanisms were in place in the Philippines, that the legal framework had been set, that the implementing measures were in place and that action was being undertaken at all levels by the Government agencies in a comprehensive manner.

82. The Committee's suggestions were more than welcome in respect of any gaps which it had identified. The Government of the Philippines remained open to dialogue. It had set targets, and, although some of them had not been fully met, it felt that at least half the battle was won. The presence of a large delegation to report to the Committee, despite financial constraints, and the work that had been required at all levels, underlined the seriousness with which the Philippine Government viewed its obligations under human rights agreements, many of which it had signed and ratified.

83. She reiterated the Government's assurances of continued support to the work of the Committee and its willingness to cooperate closely in order to advance the objectives of the Covenant.

The meeting rose at 6 p.m.